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FORM**

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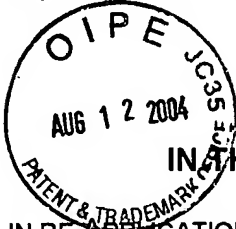
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/079,921-Conf. #6485	
	Filing Date	February 20, 2002	
	First Named Inventor	Robert Rinehart	
	Art Unit	1732	
	Examiner Name	E. H. Lee	
Total Number of Pages in This Submission	6	Attorney Docket Number	436668008US

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (+ copy) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Postcard Check
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	PERKINS COIE LLP Robert G. Woolston - 37,263
Signature	
Date	8/12/04



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: ROBERT G. RINEHART, JR., ET AL.

EXAMINER: EDMUND H. LEE

APPLICATION No.: 10/079,921

ART UNIT: 1732

FILED: FEBRUARY 20, 2002

CONF. No: 6485

FOR: **METHOD FOR CONSTRUCTING
WATERPROOF FOOTWEAR**Response to Restriction Requirement

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the Office Action dated July 1, 2004 in connection with the above-identified application. In the Office Action, the Examiner issued a species restriction requirement between Species A, related to the claims "directed to disposing a waterproof liner adjacent an interior surface of the lower through the bottom opening," and Species B, related to the claims "directed to sealing the at least one seam and the second seam in a waterproof manner by accessing the at least one seam and the second seam through the bottom opening of the lower." The Examiner also indicated that Claims 1-10 and 14-19 are generic. Applicants respectfully submit that Claims 11 and 20 are also generic because they are broad enough to read in Species A and B.

In response to the species restriction, Applicants hereby elect, without traverse, to prosecute the claims directed toward Species B, namely Claim 13, in the event a generic claim is not allowed. Applicants respectfully submit that Claims 1-11 and 13-20 are elected for examination and that Claims 1-20 remain pending.

In view of the foregoing, Applicants respectfully request examination of the pending claims. If the Examiner has any questions or believes a telephone conference

would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3259.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 436668008US from which the undersigned is authorized to draw.

Respectfully submitted,

Perkins Coie LLP



Robert G. Woolston
Registration No. 37,263

Date: 8-12-04

Correspondence Address:

Customer No. 25096
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000